CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

DECEMBER 5, 2024, 4:00 PM
SPECIAL MEETING

CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

Mayor Brian Calderón Tabatabai
Mayor Pro Tem Tony Wu
Councilwoman Letty Lopez-Viado
Councilman Ollie Cantos
Councilwoman Rosario Diaz

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT
The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at Council meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Do call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Council meetings, please request no less than four working days prior to the meeting.

AGENDA MATERIAL
Agenda material is available for review at the City Clerk's Office, Room 317 in City Hall, 1444 W. Garvey Avenue South, West Covina and at www.westcovina.org. Any writings or documents regarding any item on this agenda, not exempt from public disclosure, provided to a majority of the City Council that is distributed less than 72 hours before the meeting, will be made available for public inspection in the City Clerk's Office, Room 317 of City Hall located at 1444 W. Garvey Avenue South, West Covina, during normal business hours.

NOTICE
The City Council will regularly convene on the first and third Tuesday of the month. The West Covina Community Development Commission, West Covina Public Financing Authority and the West Covina Community Services Foundation are agencies on which the City Council serves as members. Agendas may contain items for these boards, as necessary.

PUBLIC COMMENTS
ADDRESSING THE CITY COUNCIL
(Per WCMC 2-48, Ordinance No. 2150)

Any person wishing to address the City Council on any matter listed on the agenda or on any other matter within their jurisdiction should complete a speaker card that is provided at the entrance to the Council Chambers and submit the card to the City Clerk.

***Please identify on the speaker card whether you are speaking on an agenda item or non-agenda*. Requests to speak on agenda items will be heard prior to requests to speak on non-agenda items. All comments are limited to five (5) minutes per speaker.**

Oral Communications may be limited to thirty (30) minutes, unless speakers addressing agenda items have not concluded.

Any testimony or comments regarding a matter set for a Public Hearing will be heard during the hearing.

RULES OF DECORUM
Excerpts from the West Covina Municipal Code and Penal Code pertaining to the Rules of Decorum will be found at the end of agenda.

AGENDA

CITY OF WEST COVINA
CITY COUNCIL/SUCCESSOR AGENCY

TUESDAY DECEMBER 5, 2024, 4:00 PM
SPECIAL MEETING

INVOCATION
Led by Father Jude Uche from St. Louis of France Catholic Church

PLEDGE OF ALLEGIANCE
Led by Councilman Cantos

ROLL CALL

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

1) DECLARING THE RESULTS OF THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION

It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2024-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2024

2) RECOGNITION OF OUTGOING CITY COUNCIL MEMBER AND INSTALLATION OF NEWLY ELECTED OFFICERS

Take appropriate action.

3) REORGANIZATION OF MAYOR AND MAYOR PRO TEM

It is recommended that the City Council reorganize in accordance with the order of mayoral succession set forth in Section 2-21 of the West Covina Municipal Code.

ADJOURNMENT

RULES OF DECORUM

The following are excerpts from the West Covina Municipal Code:

Sec. 2-48. Manner of addressing council; time limit; persons addressing may be sworn.

a. Each person addressing the council shall step up to the rostrum, shall give his or her name and city of residence in an audible tone of voice for the record and unless further time is granted by the council, shall limit his or her address to five (5) minutes.
b. The city council may establish a limit on the duration of oral communications.
c. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a councilmember except through the presiding officer.
d. The presiding officer may require any person to be sworn as a witness before addressing the council on any subject. Any such person who, having taken an oath that he or she will testify truthfully, willfully and contrary to such oath states as true any material matter

which he knows to be false may be held to answer criminally and subject to the penalty prescribed for perjury by the provisions of the Penal Code of the state.

Sec. 2-50. Decorum--Required.

a. While the council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
b. Members of the public shall not willfully disrupt the meeting or act in a manner that actually impairs the orderly conduct of the meeting. For the purposes of this code, “willfully disrupt” includes, but is not limited to, continuing to do any of the following after being warned by the Mayor that continuing to do so will be a violation of the law:
    a. Addressing the Mayor and City Council without first being recognized.
    b. Persisting in addressing a subject or subjects, other than that before the Mayor and City Council.
    c. Repetitiously addressing the same subject.
    d. Failing to relinquish the podium when directed to do so.
    e. From the audience, interrupting or attempting to interrupt, a speaker, the Mayor, a council member, or a staff member or shouting or attempting to shout over a speaker, the Mayor, a council member or a staff member.
    f. As a speaker, interrupting or attempting to interrupt the Mayor, a council member, or a staff member, or shouting over or attempting to shout over the Mayor, a council member, or a staff member. Nothing in this section or any rules of the council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City or of the acts or omissions of the City Council. It shall be unlawful to violate the provisions of this Section.

If any subsection, sentence, clause, or phrase or word of this Section 2-50 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases or words had been declared invalid or unconstitutional.

Sec. 2-52. Persons authorized to be within council area.
No person, except city officials, their representatives and members of the news media shall be permitted within the rail in front of the council chamber without the express consent of the council.

The following are excerpts from the Penal Code

148(a) (1) Every Person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

403 Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 303 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: December 5, 2024

TO: Mayor and City Council

FROM: Paulina Morales, City Manager

SUBJECT: **DECLARING THE RESULTS OF THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION**

RECOMMENDATION:

It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2024-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2024

BACKGROUND:

Pursuant to Ordinance No. 2303, the City's general municipal elections are held on the first Tuesday after the first Monday in November of even-numbered years to coincide with statewide general elections. On July 2, 2024, through the adoption of Resolutions Nos. 2024-47 and 2024-48, the City Council called a general municipal election to be held in the City on November 5, 2024 for the purpose of electing one Member of the City Council to represent District 1 and one Member of the City Council to represent District 3, each for the full term of four years, and requested that the Los Angeles County Board of Supervisors consent and agree to the consolidation of the general municipal election with the statewide general election to be held on the same date.

The general municipal election was held on November 5, 2024 and consolidated with the statewide general election conducted by the Los Angeles County Registrar-Recorder/County Clerk.

DISCUSSION:

Pursuant to California Elections Code section 10262, for a consolidated election, the City Elections Official, upon receipt of the results of the election from the Elections Official conducting the election, is required to certify the results to the City Council. Pursuant to California Elections Code section 10263, upon completion of the canvass and before installing new officers, the City Council is required to adopt a resolution reciting the fact of the election and the other matters that are enumerated in California Elections Code section 10264.

The Los Angeles County Registrar-Recorder/County Clerk's Certificate of the Canvass of the Elections Returns and Statement of Votes Cast sets forth the number of votes cast in the City, the names of the persons voted for, for what office each person was voted for, the number of votes given to each precinct

to each person, and the number of votes given to each person. The Certificate of the Canvass of the Elections Returns and Statement of Votes Cast, which will be attached as Exhibit A to the proposed resolution, was not available at the time of posting of the agenda, but will be distributed once it is available.

Staff recommends that the City Council adopt Resolution No. 2024-70.

LEGAL REVIEW:
The City Attorney's Office has reviewed the resolution and approved it as to form.

Prepared by: Lisa Sherrick, Assistant City Clerk

Attachments

Attachment No. 1 - Resolution No. 2024-70

Attachment No. 2 - Certificate of the Canvass of the Election Returns and Statement of Votes Cast

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness

ATTACHMENT NO. 1

RESOLUTION NO. 2024-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2024

The City Council of the City of West Covina hereby finds and declares as follows:

WHEREAS, the City Council, through the adoption of Resolutions Nos. 2024-47 and 2024-48, called a General Municipal Election to be held in the City of West Covina on November 5, 2024 for the purpose of electing one Member of the City Council to represent District 1 and one Member of the City Council to represent District 3, each for the full term of four years, and requested that the Los Angeles County Board of Supervisors consent and agree to the consolidation of the General Municipal Election with the Statewide General Election to be held on the same date; and

WHEREAS, the General Municipal Election was held in the City of West Covina on Tuesday, November 5, 2024; and

WHEREAS, the Los Angeles County Registrar-Recorder/County Clerk, which conducted the election on behalf of the City, canvassed the returns of the election and has transmitted the results to the City's Election Official.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The results of the election, including the whole number of votes cast in the City, the names of the persons voted for, for what office each person was voted for, the number of votes given at each precinct to each person, and the number of votes given to each person, are set forth in the Certificate of the Canvass of the Election Returns and Statement of Votes Cast, attached hereto as Exhibit "A" and incorporated herein.

SECTION 2. The City Council declares and determines that Brian Gutierrez was elected as Member of the City Council for District 1 for the full term of four years and Rosario Diaz was elected as Member of the City Council for District 3 for the full term of four years.

SECTION 3. The City Clerk shall enter on the records of the City Council of the City a statement of the result of the election, showing: (1) the whole number of ballots cast in the City; (2) the names of the persons voted for; (3) for what office each person was voted for; (4) the number of votes given at each precinct to each person; and (5) the total number of votes given to each person.

SECTION 4. The City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated. The City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the Office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions and it shall become effective immediately.

PASSED, APPROVED AND ADOPTED this 5th day of December, 2024.

_____
Brian Calderón Tabatabai
Mayor

APPROVED AS TO FORM

_____
Thomas P. Duarte
City Attorney

ATTEST

_____
Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2024-70 was duly adopted by the City Council of the City of West Covina, California, at a special meeting thereof held on the 5th day of December, 2024, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Lisa Sherrick
Assistant City Clerk

EXHIBIT A

CERTIFICATE OF THE CANVASS OF THE ELECTION RETURNS AND STATEMENT OF VOTES CAST

CERTIFICATE OF THE CANVASS OF THE ELECTION RETURNS AND STATEMENT OF VOTES CAST

WILL BE DISTRIBUTED WHEN AVAILABLE

AGENDA ITEM NO. 2

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: December 5, 2024

TO: Mayor and City Council

FROM: Paulina Morales, City Manager

SUBJECT: **RECOGNITION OF OUTGOING CITY COUNCIL MEMBER AND INSTALLATION OF NEWLY ELECTED OFFICERS**

RECOMMENDATION:

Take appropriate action.

BACKGROUND:

1. Recognition of outgoing Council Member:

   - Mayor Calderón Tabatabai.

2. Installation of newly elected Council Members:

   - City Council District 1 - Brian Gutierrez
   - City Council District 3 - Rosario Diaz

AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: December 5, 2024

TO: Mayor and City Council

FROM: Paulina Morales, City Manager

SUBJECT: **REORGANIZATION OF MAYOR AND MAYOR PRO TEM**

RECOMMENDATION:

It is recommended that the City Council reorganize in accordance with the order of mayoral succession set forth in Section 2-21 of the West Covina Municipal Code.

BACKGROUND:

Section 2-21 of the West Covina Municipal Code (WCMC), recently amended through the City Council's adoption of Ordinance No. 2523 on October 1, 2024, outlines the order of mayoral succession. Pursuant to Section 2-21, during election years, the City Council is required to reorganize and install one of its members as Mayor and one as Mayor Pro Tem at the meeting at which it declares the results of the general municipal election in accordance with California Government Code section 36801.

Section 2-21 requires that the City Council reorganize in accordance with the mayoral succession list, which is maintained by the City Clerk. Pursuant to Section 2-21, at the City Council meeting at which the City Council reorganizes, the current Mayor Pro Tem succeeds to the position of Mayor and all other Council Members move up one (1) position, such that the Council Member in the third position on the succession list moves into the Mayor Pro Tem position. The outgoing Mayor rotates to the bottom of the succession list, except that in a regular election year, any newly elected first-term Council Member is placed behind the outgoing Mayor on the succession list. When there are two (2) or more newly elected first-term Council Members, they are added to the succession list in order based on who received the highest percentage of votes in their district at the election. If an incumbent Council Member is reelected during a regular election year, that Council Member maintains their position on the succession list.

DISCUSSION:

The current order of mayoral succession is:

- Brian Tabatabai, Mayor
- Tony Wu, Mayor Pro Tem
- Letty Lopez Viado, Council Member
- Ollie Cantos, Council Member
- Rosario Diaz, Council Member

Following the November 2024 election, the new order of mayoral succession will be:

- Tony Wu, Mayor

- Letty Lopez-Viado, Mayor Pro Tem
- Ollie Cantos, Council Member
- Rosiaro Diaz, Council Member
- Brian Gutierez, Council Member

Pursuant to the order of mayoral succession, Mayor Pro Tem Wu will become Mayor and Council Member Lopez-Viado will become Mayor Pro Tem.

No vote is required to reorganize in accordance with the order of mayoral succession set forth in Section 2-21 of the WCMC.

Prepared by: Lisa Sherrick, Assistant City Clerk

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness